

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 693

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Eric G. Griego

AN ACT

RELATING TO ELECTIONS; PROHIBITING CERTAIN CONTRIBUTIONS AND SOLICITATIONS OF CONTRIBUTIONS BY BUSINESS ENTITIES AND LOBBYISTS AND THE PRINCIPALS OF STATE CONTRACTORS; PROHIBITING CERTAIN SOLICITATIONS OF CONTRIBUTIONS FROM BUSINESS ENTITIES AND LOBBYISTS AND THE PRINCIPALS OF STATE CONTRACTORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Campaign Reporting Act is enacted to read:

"NEW MATERIAL BUSINESS ENTITIES--CONTRIBUTIONS FOR CANDIDATES AND CERTAIN POLITICAL COMMITTEES PROHIBITED.--

A. A business entity shall not make a contribution to or solicit a contribution on behalf of:

(1) a candidate for nomination or election to a state office or a campaign committee established by the

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 candidate; or

2 (2) a political committee:

3 (a) established by a public officer or
4 an agent of the public officer or in consultation with or at
5 the request or suggestion of the public officer or an agent of
6 the public officer; or

7 (b) controlled by a public officer or
8 agent of the public officer to aid or promote the nomination or
9 election of any candidate or candidates to a state office.

10 B. A public officer, candidate or political
11 committee described in Subsection A of this section shall not
12 accept or solicit a contribution prohibited by that subsection.

13 C. The provisions of this section shall not
14 preclude a business entity from making contributions or
15 expenditures to promote the success or defeat of a ballot
16 question."

17 Section 2. A new section of the Campaign Reporting Act is
18 enacted to read:

19 "[NEW MATERIAL] LOBBYISTS--CONTRIBUTIONS FOR CANDIDATES
20 AND CERTAIN POLITICAL COMMITTEES PROHIBITED.--

21 A. A lobbyist shall not make a contribution to or
22 solicit a contribution on behalf of:

23 (1) a candidate for nomination or election to
24 a state office or a campaign committee established by the
25 candidate; or

.176982.3GR

underscored material = new
[bracketed material] = delete

1 (2) a political committee:

2 (a) established by a public officer or
3 an agent of the public officer or in consultation with or at
4 the request or suggestion of the public officer or an agent of
5 the public officer; or

6 (b) controlled by a public officer or an
7 agent of the public officer to aid or promote the nomination or
8 election of any candidate or candidates to a state office.

9 B. A public officer, candidate or political
10 committee described in Subsection A of this section shall not
11 solicit or accept a contribution prohibited by that subsection.

12 C. The provisions of this section shall not apply
13 to the campaign of a lobbyist who is a candidate for public
14 office."

15 Section 3. A new section of the Campaign Reporting Act is
16 enacted to read:

17 "[NEW MATERIAL] STATE CONTRACTORS--CONTRIBUTIONS FOR
18 CANDIDATES AND CERTAIN POLITICAL COMMITTEES PROHIBITED.--

19 A. A state contractor or a principal of a state
20 contractor shall not make a contribution to or solicit
21 contributions on behalf of:

22 (1) a candidate for nomination or election to
23 a state office or a campaign committee established by the
24 candidate; or

25 (2) a political committee:

.176982.3GR

underscored material = new
[bracketed material] = delete

1 (a) established by a public officer or
2 an agent of the public officer or in consultation with or at
3 the request or suggestion of the public officer or an agent of
4 the public officer; or

5 (b) controlled by a public officer or an
6 agent of the public officer to aid or promote the nomination or
7 election of any candidate or candidates to a state office.

8 B. A candidate or political committee described in
9 Subsection A of this section shall not accept or solicit a
10 contribution prohibited by that subsection.

11 C. The provisions of this section shall not
12 restrict a principal of a state contractor from establishing a
13 campaign committee for the principal's own campaign or from
14 soliciting contributions from persons not prohibited from
15 making contributions by this section."

16 Section 4. Section 1-19-26 NMSA 1978 (being Laws 1979,
17 Chapter 360, Section 2, as amended) is amended to read:

18 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
19 Act:

20 A. "advertising campaign" means an advertisement or
21 series of advertisements used for a political purpose and
22 disseminated to the public either in print, by radio or
23 television broadcast or by any other electronic means,
24 including telephonic communications, and may include direct or
25 bulk mailings of printed materials;

.176982.3GR

underscored material = new
[bracketed material] = delete

1 B. "anonymous contribution" means a contribution
2 the contributor of which is unknown to the candidate or [~~his~~]
3 the candidate's agent or the political committee or its agent
4 who accepts the contribution;

5 C. "bank account" means an account in a financial
6 institution located in New Mexico;

7 D. "business entity" includes, whether organized
8 inside or outside of this state, a sole proprietorship,
9 partnership, joint venture, limited liability company,
10 corporation and any other association, organization or entity
11 that is engaged in the operation of a business or profit-making
12 activity;

13 ~~[D-]~~ E. "campaign committee" means two or more
14 persons authorized by a candidate to raise, collect or expend
15 contributions on the candidate's behalf for the purpose of
16 electing [~~him~~] the candidate to office;

17 ~~[E-]~~ F. "candidate" means an individual who seeks
18 or considers an office in an election covered by the Campaign
19 Reporting Act, including a public official, who either has
20 filed a declaration of candidacy or nominating petition or:

21 (1) for a nonstatewide office, has received
22 contributions or made expenditures of one thousand dollars
23 (\$1,000) or more or authorized another person or campaign
24 committee to receive contributions or make expenditures of one
25 thousand dollars (\$1,000) or more for the purpose of seeking

.176982.3GR

underscoring material = new
[bracketed material] = delete

1 election to the office; or

2 (2) for a statewide office, has received
3 contributions or made expenditures of two thousand five hundred
4 dollars (\$2,500) or more or authorized another person or
5 campaign committee to receive contributions or make
6 expenditures of two thousand five hundred dollars (\$2,500) or
7 more for the purpose of seeking election to the office or for
8 candidacy exploration purposes in the years prior to the year
9 of the election;

10 [~~F.~~] G. "contribution" means a gift, subscription,
11 loan, advance or deposit of money or other thing of value,
12 including the estimated value of an in-kind contribution, that
13 is made or received for a political purpose, including payment
14 of a debt incurred in an election campaign, but does not
15 include the value of services provided without compensation or
16 unreimbursed travel or other personal expenses of individuals
17 who volunteer a portion or all of their time on behalf of a
18 candidate or political committee, nor does it include the
19 administrative or solicitation expenses of a political
20 committee that are paid by an organization that sponsors the
21 committee;

22 [~~G.~~] H. "deliver" or "delivery" means to deliver by
23 certified or registered mail, telecopier, electronic
24 transmission or facsimile or by personal service;

25 [~~H.~~] I. "election" means any primary, general or

.176982.3GR

underscored material = new
[bracketed material] = delete

1 statewide special election in New Mexico and includes county
2 and judicial retention elections but excludes municipal, school
3 board and special district elections;

4 ~~[I.]~~ J. "election year" means an even-numbered year
5 in which an election covered by the Campaign Reporting Act is
6 held;

7 ~~[J.]~~ K. "expenditure" means a payment, transfer or
8 distribution or obligation or promise to pay, transfer or
9 distribute any money or other thing of value for a political
10 purpose, including payment of a debt incurred in an election
11 campaign or pre-primary convention, but does not include the
12 administrative or solicitation expenses of a political
13 committee that are paid by an organization that sponsors the
14 committee;

15 ~~[K.]~~ L. "person" means an individual or entity;

16 ~~[L.]~~ M. "political committee" means two or more
17 persons, other than members of a candidate's immediate family
18 or campaign committee or a husband and wife who make a
19 contribution out of a joint account, who are selected,
20 appointed, chosen, associated, organized or operated primarily
21 for a political purpose; and "political committee" includes:

22 (1) political action committees or similar
23 organizations composed of employees or members of any
24 corporation, labor organization, trade or professional
25 association or any other similar group that raises, collects,

.176982.3GR

underscored material = new
[bracketed material] = delete

1 expends or contributes money or any other thing of value for a
2 political purpose;

3 (2) a single individual ~~[who by his]~~ whose
4 actions ~~[represents]~~ represent that ~~[he]~~ the individual is a
5 political committee; and

6 (3) a person or an organization of two or more
7 persons that within one calendar year expends funds in excess
8 of five hundred dollars (\$500) to conduct an advertising
9 campaign for a political purpose;

10 ~~[M.]~~ N. "political purpose" means influencing or
11 attempting to influence an election or pre-primary convention,
12 including a constitutional amendment or other question
13 submitted to the voters;

14 ~~[N.]~~ O. "prescribed form" means a form or
15 electronic format prepared and prescribed by the secretary of
16 state;

17 P. "principal of a state contractor" means, in
18 addition to the state contractor itself:

19 (1) a person who is a member of the board of
20 directors of, or has an ownership interest in, a state
21 contractor, except for an individual who owns less than five
22 percent of the shares of that state contractor that is a
23 publicly traded corporation;

24 (2) a person who is employed by a state
25 contractor that is a business entity, as president, treasurer

.176982.3GR

underscored material = new
[bracketed material] = delete

1 or executive or senior vice president;

2 (3) a person who is the chief executive
3 officer of a state contractor;

4 (4) an employee of any state contractor who
5 has managerial or discretionary responsibilities with respect
6 to a state contract;

7 (5) the spouse or a dependent child of a
8 person described in Paragraphs (1) through (4) of this
9 subsection; or

10 (6) a political committee established by or on
11 behalf of a person described in this subsection;

12 [~~Q.~~] Q. "proper filing officer" means [~~either~~] the
13 secretary of state [~~or the county clerk~~] as provided in Section
14 1-19-27 NMSA 1978;

15 [~~P.~~] R. "public officer" or "public official" means
16 a person elected to an office in an election covered by the
17 Campaign Reporting Act or a person appointed to an office that
18 is subject to an election covered by that act;

19 [~~Q.~~] S. "reporting individual" means every public
20 official, candidate or treasurer of a campaign committee and
21 every treasurer of a political committee; [~~and~~]

22 T. "state agency" means an office, department,
23 board, council, commission, institution or other agency in the
24 executive, legislative or judicial branch of state government
25 or an institution or instrumentality of the state;

.176982.3GR

underscored material = new
[bracketed material] = delete

1 U. "state contract" means an agreement or contract
2 with the state or any state agency having a value of twenty
3 thousand dollars (\$20,000) or more, or a combination or series
4 of such agreements or contracts having a value of twenty
5 thousand dollars (\$20,000) or more in a fiscal year, for:

6 (1) the rendition of services, including
7 professional services and financial services;

8 (2) the furnishing of any material, supplies
9 or equipment;

10 (3) the construction, alteration or repair of
11 any public building or public work;

12 (4) the acquisition, sale or lease of any land
13 or building;

14 (5) a licensing arrangement;

15 (6) a grant, loan or loan guarantee; or

16 (7) the purchase or sale of financial
17 securities or instruments or investment of public money;

18 V. "state contractor" means a person, including a
19 business entity or nonprofit organization, that enters into a
20 state contract, which shall be deemed to be a state contractor
21 until the termination of the contract. "State contractor" does
22 not include a municipality or any other political subdivision
23 of the state or an employee of a state agency, whether full- or
24 part-time, in that person's capacity as an employee of the
25 state; and

.176982.3GR

